

GARY F. FRANKE CO., L.P.A.

120 EAST FOURTH STREET, SUITE 560

CINCINNATI, OHIO 45202

TELEPHONE: (513) 564-9222

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Lang

EPA Region 5 Records Ctr.



275037

July 19, 2001

Ms. Annette Lang
U.S. Department of Justice
P. O. Box 7611 Ben Franklin Station
Washington, DC 20044-7611

In re: Fifth Tolling Agreement
Skinner Landfill Superfund Site
Our File No. 32192/1003

Dear Ms. Lang:

We are in receipt of your fax of July 12, 2001. As you are aware, we have previously forwarded information to Mr. Dababneh in response to the EPA's request for information, a copy of our April 18, 2001 correspondence is attached. Based on the information enclosed in the referenced correspondence, it is clear that no Dick Clarke entity delivered hazardous material to the Skinner Landfill Site. While Mr. Clarke did deliver some construction debris, such debris was minimal and of an inconsequential nature. However, in addition to all of the costs already incurred by Mr. Clarke as a result of the unsubstantiated allegations, Mr. Clarke is willing offer Five Thousand Dollars (\$5,000.00) for a full and final release. Please advise.

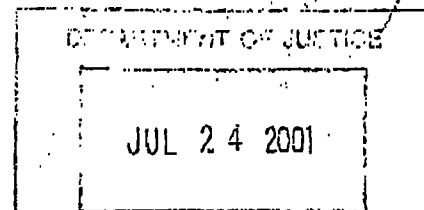
I look forward to hearing from you.

Very truly yours,

GARY F. FRANKE CO. L.P.A.

Gary F. Franke

GFF:pt
Enclosure



GARY F. FRANKE CO., L.P.A.

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April 18, 2001

Mr. Fouad Dababneh
Enforcement Specialist
U.S. EPA, Region 5 (SR-6J)
77 West Jackson Boulevard
Chicago, Illinois 60604

In re: Request for Information Pursuant to Section 104(e)
for the Skinner Landfill Site in West Chester, Ohio,
Butler County
Our File No. 32192/1003

Dear Mr. Dababneh:

In response to Wendy L. Carney's Request for Information Pursuant to Section 104(e) for the Skinner Landfill Site in West Chester, Ohio we enclose the following:

1. February 16, 1998 correspondence to John Barkett, Esq. at Coll Davidson Carter Smith Salter & Barkett, P.A. re: Skinner Landfill ADR Allocation Questionnaire;
2. February 19, 1998 correspondence to John Barkett, Esq. at Coll Davidson Carter Smith Salter & Barkett, P.A. re: Skinner Landfill ADR Allocation Supplemental Questions;
3. April 3, 1998 correspondence to John Barkett, Esq. at Coll Davidson Carter Smith Salter & Barkett, P.A. re: Skinner Landfill ADR Allocation Supplemental Questions;
4. Initial Position Paper of Clarke Services, Inc., Dick Clarke Company and Clarke, Inc. dated May 28, 1998;
5. December 22, 1998 letter from Edwin T. Hoover;
6. Affidavit of Charles L. Lee signed January 8, 1999;
7. Affidavit of Pete Samson signed December 10, 1998;

April 18, 2001
Mr. Fouad Dababneh
Enforcement Specialist
U.S. EPA, Region 5 (SR-6J)
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8. Affidavit of Clarence Cowan signed January 31, 1999;
9. Affidavit of Richard M. Clarke, II signed February 1, 1999;
10. Affidavit of Joe Bolger signed February 1, 1998;
11. Affidavit of Ken Asher signed January 16, 1999;
12. State of Ohio Certificate of Dissolution for Clarke's Services Incorporated dated December 27, 1984 and attendant documents, including Exhibit Nos. 2 through 8;
13. Copy of photograph of dumpster;
14. Trust Agreement dated January 21, 2000 by and between Clarke, inc. and The North Side Bank and Trust Company; and,
15. North Side Bank & Trust Company statement of account for Clarke, Inc. Ohio EPA Trust dated December 31, 2000.

Please do not hesitate to contact us should you require any further information.

Very truly yours,

GARY F. FRANKE CO., L.P.A.

Gary F. Franke

GFF:pt
Enclosures